



RESOLUTION NO. 2011-66

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE CALIFORNIA DEPARTMENT OF WATER RESOURCES TO OBTAIN STORMWATER FLOOD MANAGEMENT GRANT PROGRAM FUNDING FOR THE FANCHER CREEK FLOOD CONTROL IMPROVEMENTS PROJECT IN THE AMOUNT OF \$4.3 MILLION AND AUTHORIZING EXECUTION OF APPLICATION DOCUMENTS ON BEHALF OF THE CITY OF FRESNO

WHEREAS, the California Department of Water Resources (DWR) has invited proposals for Round One Integrated Regional Water Management (IRWM) Proposition 1E Stormwater Flood Management Grant program (Program) funding pursuant to the Disaster Preparedness and Flood Prevention Bond Act of 2006 (Cal. Pub. Res. Code Section 5096.800 et seq.); and

WHEREAS, the City of Fresno is a local agency and eligible applicant to the DWR for the Program funded by Proposition 1E; and

WHEREAS, the DWR requires the City to adopt a resolution naming a designated individual to execute the grant applications; and

WHEREAS, the proposed Fancher Creek Flood Control Improvements Project would provide adequate storm drain capacity for underserved neighborhoods, remove direct discharges to Fancher Creek, increase recharge capacity within recharge and retention ponds, provide stormwater and irrigation facilities for future planned development and further comply with the goals and objectives of Fresno's NPDES Municipal Storm Water Quality Management Program; and

Adopted 4-14-11
Approved 4-14-11
Effective 4-14-11



WHEREAS, the City desires to submit an application for Program funding for the Project upon the terms and conditions herein.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF FRESNO HEREBY:

1. Authorizes the submittal of an application to the California Department of Water Resources for Stormwater Flood Management Grant funding for the Fancher Creek Flood Control Improvements Project in the amount of \$4,300,000, provided that the City of Fresno shall not be bound under the application, nor shall the City of Fresno accept or be deemed to have accepted Stormwater Flood Management Grant funding referenced in the application, unless and until the City Council approves the terms and conditions of such grant, consistent with the Program requirements and all Constitutional and local law requirements, which terms and conditions shall be contained in a written agreement prior approved as to form by the Office of the City Attorney.

2. The City of Fresno Public Works Director and designee(s) thereof and each of them as agents of the City of Fresno are authorized and directed to prepare, execute and submit application documents and materials.

3. Subject to the foregoing provisions, the City certifies it has legal authority to submit a program application to the Department of Water Resources.

4. Nothing in this resolution binds or obligates that City's general fund, taxing authority, or borrowing power.

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CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)ss.
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, California, at a regular meeting thereof, held on the 14th day of April, 2011.

AYES: Baines, Borgeas, Olivier, Quintero, Xiong, Brand
NOES: None
ABSENT: Westerlund
ABSTAIN: None

REBECCA E. KLISCH
City Clerk

By: *Rebecca E. Klisch*
Deputy

APPROVED AS TO FORM:

JAMES C. SANCHEZ
City Attorney

By: *[Signature]*
Robert R. Coyle
Senior Deputy

Date: 4-27-11

RRC:elb [55685elb/rrc]